

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of)	
)	
Request for Review of the Decision of)	
the Universal Service Administrator)	
or Waiver by)	
)	
Edgewood Independent School District)	File No. SLD-687739
San Antonio, TX)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

REQUEST FOR REVIEW OR WAIVER

Edgewood Independent School District (“School District”), by its undersigned representative, hereby requests that the Commission review and reverse the Decision of the Administrator (“USAC”) in the above-captioned matter dated May 1, 2012,¹ and instruct USAC to cease the Commitment Adjustment process regarding the FY 2009 funding request in issue (FRN 1883083). Alternatively, the School District requests that the Commission reach the same result by waiving its rules.

Request For Consolidation

The School District requests that this matter be consolidated and considered with the following matter that is currently pending before the Commission:

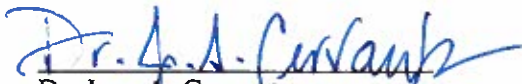
- Request for Review or Waiver of the Decision of the Administrator by Edgewood Independent School District
- Submitted and posted on May 3, 2012
- CC Docket 02-6; File No. 733321
- <http://apps.fcc.gov/ecfs/comment/view?id=6017033659>

¹ See Exhibit 1, Notice of Commitment Adjustment Letter

Except for the funding year (FY 2009 versus FY 2010), the relevant facts and legal issues are identical. The earlier matter involved an SLD denial due to a misinterpretation that the School District's contract for basic maintenance services did not have voluntary contract extensions that cover the 2009 and 2010 Funding Years.

Accordingly, in support of this appeal, the School District hereby incorporates by reference all of the materials submitted previously to the Commission in connection with its May 3, 2012 appeal.

Respectfully submitted



Dr. Jose A. Cervantes
Superintendent
Edgewood Independent Public Schools
5358 W. Commerce
San Antonio, TX 78237
210-444-4520

May 14, 2012

Exhibit 1



Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2009: July 1, 2009 - June 30, 2010

May 01, 2012

Ronald Bertoia
EDGEWOOD INDEP SCHOOL DISTRICT
5358 W COMMERCE ST
SAN ANTONIO, TX 78237 1354

Re: Form 471 Application Number:	687739
Funding Year:	2009
Applicant's Form Identifier:	471-0910-SMART
Billed Entity Number:	141553
FCC Registration Number:	0006918940
SPIN:	143007191
Service Provider Name:	Major Inc.
Service Provider Contact Person:	Pat Troutz

2012 MAY -4 PM 1:47
EDGEWOOD ISD
PURCHASING DEPARTMENT

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd.
P. O. Box 902
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Pat Troutz
Major Inc.

Funding Commitment Adjustment Report for
Form 471 Application Number: 687739

Funding Request Number:	1883083
Services Ordered:	INTERNAL CONNECTIONS MNT
SPIN:	143007191
Service Provider Name:	Major Inc.
Contract Number:	RFP #08-003
Billing Account Number:	
Site Identifier:	141553
Original Funding Commitment:	\$1213,744.50
Commitment Adjustment Amount:	\$1213,744.50
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$0.00
Funds to be Recovered from Applicant:	\$0.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During a review, it was determined that the applicant did not have a contract in place at the time of submission of the Form 471. On 12/21/2007, the applicant posted a FCC Form 470 on the USAC web site and, after waiting 28 days, entered into a one-year contract with the service provider, which ended on 6/30/2009. During a review the applicant did not provide documentation to show that the contract they entered into on February 7, 2008 had a term of more than one year or that the contract allowed for voluntary extensions or renewals for the next funding year. FCC rules require applicants to have a valid contract as defined by the applicants state procurement laws and regulations at the time they submit the Form 471. Since the applicant was unable to demonstrate that they had a contract in place at the time of submission of the Form 471 that meets the state laws definition of a valid contract, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.